

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 14, 2010

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY MARCH 16, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1800**

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**Introduced by Assembly Members Ma and Hagman**

February 10, 2010

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An act to amend Section 602.9 of the Penal Code, relating to crimes.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1800, as amended, Ma. Unlawful rental of residential dwelling: penalties.

Existing law makes it a misdemeanor, punishable as specified, for any person to claim ownership or claim or take possession of, or cause another to enter or remain in, a residential dwelling for the purpose of renting or leasing the dwelling to another without the consent of the owner or the owner's lawful agent.

This bill would increase the misdemeanor penalties for this offense, as specified. Because this bill would change the penalty for a crime, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 602.9 of the Penal Code is amended to  
2 read:

3 602.9. (a) Except as provided in subdivision (c), any person  
4 who, without the owner's or owner's agent's consent, claims  
5 ownership or claims or takes possession of a residential dwelling  
6 for the purpose of renting that dwelling to another is guilty of a  
7 misdemeanor punishable by imprisonment in a county jail not  
8 exceeding one year, or by a fine not exceeding two thousand five  
9 hundred dollars (\$2,500), or by both that imprisonment and fine.  
10 Each violation is a separate offense.

11 (b) Except as provided in subdivision (c), any person who,  
12 without the owner's or owner's agent's consent, causes another  
13 person to enter or remain in any residential dwelling for the purpose  
14 of renting that dwelling to another, is guilty of a misdemeanor  
15 punishable by imprisonment in a county jail not exceeding one  
16 year, or by a fine not exceeding two thousand five hundred dollars  
17 (\$2,500), or by both that imprisonment and fine. Each violation is  
18 a separate offense.

19 (c) This section does not apply to any tenant, subtenant, lessee,  
20 sublessee, or assignee, nor to any other hirer having a lawful  
21 occupancy interest in the residential dwelling.

22 (d) Nothing in this section shall preclude the prosecution of a  
23 person under any other applicable provision of law.

24 (e) It is the intent of the Legislature that this section shall not  
25 ~~preclude, and has never precluded,~~ *preclude* the prosecution of a  
26 person on grand theft or fraud charges. *The Legislature finds that*  
27 *this section has never precluded prosecution of a person on grand*  
28 *theft or fraud charges.*

29 SEC. 2. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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